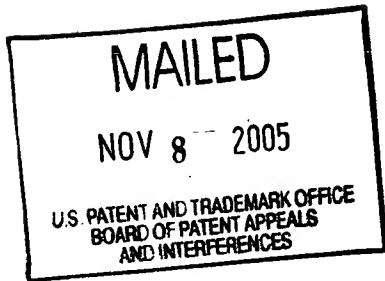


The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte IAN DUNCAN BRAMHILL and
MATTHEW ROBERT CHARLES SIMS

Appeal No. 2005-2096
Application No. 09/091,735

HEARD: October 20, 2005

Before THOMAS, JERRY SMITH, and SAADAT, Administrative Patent Judges.

THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

Appellants have appealed to the Board from the examiner's final rejection of claims 1-8, 12, 14-18, 21 and 28-38.

Representative claim 1 is reproduced below:

1. A method of protecting data sent from a server to a client, said method comprising:

running a program portion at the client, the program portion generating and uploading to the server a request for access to data;

cryptographically protecting the data;

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sending the cryptographically protected data to the client;
and

after the running of the program portion has begun and under control of the program portion at the client, converting the cryptographically protected data to an unprotected form and selectively controlling access to copy or save functions at the client in respect of the data in its unprotected form.

The following references are relied upon by the examiner:

Rhoads	5,841,978	Nov. 24, 1998 (filed July 27, 1995)
Probst	5,982,899	Nov. 9, 1999 (\$ 102(e) Dec. 16, 1996)
Crawford	6,014,651	Jan. 11, 2000 (effective filing date Nov. 4, 1993)
Spies et al. (Spies)	6,055,314	Apr. 25, 2000 (filed March 22, 1996)

Claims 1-8, 12, 14-18, 21, and 28-38 stand rejected under 35 U.S.C. § 103. As evidence of obviousness as to claims 1, 2, 5-8, 12, 14, 21 and 28-38, the examiner relies upon Spies alone. As to claims 3, 4 and 16, the examiner relies upon Spies in view of Rhoads. As to claim 15, the examiner relies upon Spies in view of Probst. Next, as to claim 17, the examiner relies upon Spies in view of Official Notice and, as to claim 18, the examiner relies upon Spies in view of Crawford.

OPINION

Rather than repeat the positions of the appellants and the examiner, reference is made to the brief and reply brief for appellant's positions, and to the answer for the examiner's positions.

We reverse the rejection of each independent claim 1, 28, 29, 30, 31, 32, 33, 34, 35 and 36 as being obvious over Spies alone and their respective dependent claims separately rejected, generally for the reasons set forth by the appellants in the brief and reply brief.

In some manner, each of these independent claims requires that a request from a client and/or source of an access request be sent either to a server or some other receiving element, which in turn sends cryptographically protected or otherwise protected copies of information to the respective clients or source of the access request, all protected under the control of a broadly recited "program portion" which further controls the conversion of the cryptographically protected data or otherwise protected data to an unprotected form. This "program portion" also selectively controls access to copy or save functions in independent claims 1, 28 and 29, suppresses such functions in

claims 30 and 34 and restricts or prevents access to such functions in independent claims 31, 32, 33, 35 and 36.

The environments depicted in figures 7 through 9 and the flow charts of figures 10 and 11 of Spies fail to show or teach, along with the corresponding columnar discussions, the claimed selectively controlling access features or the suppression features or the restriction or preventing access features. Once the received information has been decrypted by the user by means of set top box 230 as in figure 9 for the viewer computing unit 60 in figures 7 and 8, Spies does not further disclose placing any restrictions on the copying of data once it is received by one of these terminal devices.

Thus, even if we were to agree with the general urging by the Examiner that the same program portion or any program portion performs functional communication linkages with the viewer computing unit 60 and its source of content, it is clear that once the protected data has been reduced to an unprotected form, there is no teaching of selectively controlling access to copy or save functions, or suppressing client computer copy or save functions or restricting or preventing client copy or save functions required in the respective independent claims on appeal.

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In view of the foregoing, therefore, the decision of the examiner rejecting all claims on appeal under 35 U.S.C. § 103 is reversed.

REVERSED

JAMES D. THOMAS
Administrative Patent Judge

Gerry Smith
JERRY SMITH
Administrative Patent Judge

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Mahshid D. Saadat
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